

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

OLUWAKEMI ADEWOL, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:22 CV 254 CDP
)	
FRICKENSCHMIDT FOODS LLC,)	
et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This case is before me for review of subject-matter jurisdiction. Plaintiffs Oluwakemi Adewol, Keisha Jackson, and Jemilat Suleiman bring this lawsuit on behalf of themselves and all others similarly situated, alleging that Defendants Frickenschmidt Foods LLC and Wicked Cutz LLC violated various consumer protection laws in their marketing and sales of their Wicked Cutz Teriyaki Beef Stick. Plaintiffs invoke this Court’s diversity jurisdiction under 28 U.S.C. § 1332. Because the complaint does not contain an adequate statement of citizenship with respect to Defendants, I will order Plaintiffs to file an amended complaint to properly allege this Court’s subject-matter jurisdiction.

The Eighth Circuit has admonished district courts to “be attentive to a satisfaction of jurisdictional requirements in all cases.” *Sanders v. Clemco Industries*, 823 F.2d 214, 216 (8th Cir. 1987). Diversity jurisdiction under 28

U.S.C. § 1332(d) requires an amount in controversy greater than \$5,000,000 and “(A) any member of a class of plaintiffs is a citizen of a State different from any defendant; (B) any member of a class of plaintiffs is a foreign state or a citizen or subject of a foreign state and any defendant is a citizen of a State; or (C) any member of a class of plaintiffs is a citizen of a State and any defendant is a foreign state or a citizen or subject of a foreign state.” 28 U.S.C. § 1332(d)(2). While Plaintiffs seek damages exceeding \$5,000,000, their complaint fails to adequately allege the citizenship of the parties, thereby precluding me from determining whether diversity jurisdiction exists.


Plaintiffs describe Frickenschmidt Foods LLC as a Missouri company with its principal place of business in Missouri and describe Wicked Cutz LLC as a Florida company with its principal place of business in Texas. However, for purposes of diversity, a limited liability company’s citizenship is the citizenship of all its members. *GMAC Commercial Credit LLC v. Dillard Dep’t Stores, Inc.*, 357 F.3d 827, 829 (8th Cir. 2004). Plaintiffs do not identify the members of either LLC. Nor do they allege the citizenship of any of the members of each LLC.

Because there is no sufficient statement of citizenship with respect to any party in this case, I am unable to determine if this Court has subject-matter jurisdiction. Accordingly, I will give Plaintiffs fourteen (14) days to amend their complaint to properly allege this Court’s subject-matter jurisdiction. Failure to

timely comply with this Order may result in this action being dismissed without prejudice for lack of subject-matter jurisdiction.

Therefore,

IT IS HEREBY ORDERED that Plaintiffs Oluwakemi Adewol, Keisha Jackson, and Jemilat Suleiman shall file an amended complaint within fourteen (14) days of the date of this Order to properly allege this Court's subject-matter jurisdiction. Failure to timely comply with this Order may result in this action being dismissed without prejudice for lack of subject-matter jurisdiction.


CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 21st day of June, 2022.